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## Memorandum

**CSC-C 2-2024**

**Subject:** Recommendations from the Joint Board of Management – Niagara Courts meeting held on February 1, 2024

**Date:** March 6, 2024

**To:** Corporate Services Committee

**From:** Ann-Marie Norio, Regional Clerk

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The Joint Board of Management – Niagara Courts, at its meeting held on February 1, 2024, passed the following motion for consideration by the Corporate Services Committee:

That Report JBM-C 2-2024, dated February 1, 2024, respecting Court Services Write-Off Recommendations for the Period Ending December 31, 2023, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the delinquent cases summarized in the Analysis Section of Report JBM-C 2-2024, **BE APPROVED** for write-off and removal from the Integrated Court Offences Network (ICON) system in accordance with the Ministry of the Attorney General (MAG) *Provincial Offences Act* Write-off Directive and Operating Guideline and the Niagara Region Courts approved write off criteria.

A copy of the minutes of the Joint Board of Management – Niagara Courts meeting held on February 1, 2024, and the associated report are attached to this memorandum.

Respectfully submitted and signed by

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Ann-Marie Norio  
Regional Clerk

**THE REGIONAL MUNICIPALITY OF NIAGARA  
JOINT BOARD OF MANAGEMENT - NIAGARA COURTS  
MINUTES**

**JBM 1-2024  
Thursday, February 1, 2024  
Meeting held by electronic participation**

Committee: J. Bartol (West Lincoln), K. Douglas (St. Catharines), D. Gibbs (Niagara Region), J. Simpson (Thorold), M. Tardif (Wainfleet)

Absent/Regrets: N. Punyarthi (Niagara Falls), C. Woodsford (Welland)

Staff: S. Fraser, Associate Director, Transportation Planning, T. Harrison, Commissioner/Treasurer, Corporate Services, K. Lotimer, Deputy Regional Clerk, R. Muzzell, Manager, Program Financial Support, M. Vink, Manager, Court Services

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**1. CALL TO ORDER**

Kelly Lotimer, Deputy Regional Clerk, called the meeting to order at 3:35 p.m.

**2. DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

**3. SELECTION OF BOARD CHAIR AND VICE-CHAIR**

**3.1 Call for Nominations for Board Chair**

Kelly Lotimer, Deputy Clerk, called for nominations for the position of Chair of the Joint Board of Management - Niagara Courts for 2024.

Moved by K. Douglas  
Seconded by J. Bartol

That Mark Tardif **BE NOMINATED** as Chair of the Joint Board of Management - Niagara Courts for 2024.

3.2 Motion to Close Nominations for Board Chair

Kelly Lotimer, Deputy Clerk, called a second and third time for nominations for the position of Chair of the Joint Board of Management - Niagara Courts. There being no further nominations, it was:

Moved by J. Simpson  
Seconded by D. Gibbs

That nominations for the position of Chair of the Joint Board of Management - Niagara Courts **BE CLOSED**.

**Carried**

3.3 Voting for the Position of Board Chair

There being only one nominee for the position, Ms. Lotimer announced that Mark Tardif would be the Chair of the Joint Board of Management - Niagara Courts for 2024.

3.4 Call for Nominations for Board Vice-Chair

Kelly Lotimer, Deputy Clerk, called for nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for 2024.

Moved by D. Gibbs  
Seconded by M. Tardif

That Jason Simpson **BE NOMINATED** for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for 2024.

3.5 Motion to Close Nominations for Board Vice-Chair

Kelly Lotimer, Deputy Clerk, called a second and third time for nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts. There being no further nominations, it was:

Moved by D. Gibbs  
Seconded by K. Douglas

That nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts **BE CLOSED**.

**Carried**

3.6 Voting for the Position of Board Vice-Chair

There being only one nominee for the position, Ms. Lotimer announced that Jason Simpson would be the Vice-Chair of the Joint Board of Management - Niagara Courts for 2024.

At this point in the meeting, Mark Tardif assumed the chair.

4. PRESENTATIONS

There were no presentations.

5. DELEGATIONS

There were no delegations.

6. ITEMS FOR CONSIDERATION

6.1 JBM-C 1-2024

2024 Joint Board of Management Meeting Dates

Moved by D. Gibbs

Seconded by K. Douglas

That Memorandum JBM-C 1-2024, dated February 1, 2024, respecting 2024 Joint Board of Management Meeting Dates, **BE RECEIVED**; and

That the Joint Board of Management Niagara Courts meetings **BE HELD** on Thursdays at 3:30 p.m. on the following dates in 2024:

April 18, August 22, October 17, November 28.

**Carried**

6.2 JBM-C 2-2024

Court Services Write-Off Recommendations for the Period ending December 31, 2023

Moved by D. Gibbs

Seconded by K. Douglas

That Report JBM-C 2-2024, dated February 1, 2024, respecting Court Services Write-Off Recommendations for the Period Ending December 31, 2023, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the delinquent cases summarized in the Analysis Section of Report JBM-C 2-2024, **BE APPROVED** for write-off and removal from the Integrated Court Offences Network (ICON) system in accordance with the Ministry of the Attorney General (MAG) *Provincial Offences Act* Write-off Directive and Operating Guideline and the Niagara Region Courts approved write off criteria.

**Carried**

**7. CONSENT ITEMS FOR INFORMATION**

7.1 JBM-C 3-2024

Council Approval of 2024 Court Services Budget

Moved by J. Simpson  
Seconded by K. Douglas

That Memorandum JBM-C 3-2024, dated February 1, 2024 respecting Council Approval of 2024 Court Services Budget, **BE RECEIVED** for information.

**Carried**

7.2 JBM 5-2023

Joint Board of Management - Niagara Courts Minutes - September 18, 2023

Moved by K. Douglas  
Seconded by D. Gibbs

That Minutes JBM 5-2023, being the minutes of the Joint Board of Management – Niagara Courts meeting held on September 18, 2023, **BE RECEIVED** for information.

**Carried**

**8. OTHER BUSINESS**

8.1 Vision Zero Update

Miranda Vink, Manager, Court Services, provided an update of the Vision Zero Road Safety Initiative, advising that Automated Speed Enforcement launched on September 8, 2023, and Red Light Cameras are set to launch in the first quarter of 2024.

**9. NEXT MEETING**

The next meeting will be held on Thursday, April 18, 2024 at 3:30 p.m.

**10. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:58 p.m.

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Mark Tardif  
Board Chair

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Kelly Lotimer  
Deputy Regional Clerk

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Ann-Marie Norio  
Regional Clerk

**Subject:** Court Services Write-Off Recommendations for the Period ending December 31, 2023

**Report to:** Joint Board of Management

**Report date:** Thursday, February 1, 2024

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## Recommendations

1. That Report JBM-C 2-2024, dated February 1, 2024, respecting the Court Services Write-off Recommendations for the period ending December 31, 2023, **BE RECEIVED**; and,
2. That the delinquent cases summarized in the Analysis Section of the Report, **BE APPROVED** for write-off and removal from the Integrated Court Offences Network (ICON) system in accordance with the Ministry of the Attorney General (MAG) *Provincial Offences Act* Write-off Directive and Operating Guideline and the Niagara Region Courts approved write off criteria.

## Key Facts

- In February 2008, the Ministry of the Attorney General (MAG) released a Provincial Offences Act Write-Off Directive and Operating Guideline document, which provides municipalities with the authority to establish write-off criteria for delinquent cases deemed uncollectible.
- Staff reported on this issue in report JBM 02-2008 dated September 25, 2008 and pursuant to the MAG directive, the Joint Board of Management and Regional Council approved the POA Write-off Criteria for delinquent Provincial Offences deemed uncollectible (**Appendix 1**).
- Writing off these fines will reduce the overall amount for outstanding defaulted receivables for Court Services. These cases would be written-off for accounting purposes only and will not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

## Financial Considerations

- A total of 2200 delinquent cases valued at \$1,181,518.43 have been identified for write-off for the period January 1, 2023 to December 31, 2023.

- Writing off these fines will reduce the overall amount for outstanding defaulted receivables for Court Services; however, there is no impact to the local area municipalities as these cases will be written off for accounting purposes only. Such write-offs do not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

## **Analysis**

Each month the Integrated Court Offences Network (ICON) system generates a list of cases that have been identified as meeting the write-off criteria listed in Appendix 1. At the end of the year, all of the monthly reports are compiled to create the write-off report.

Staff reviews each matter in accordance with the Ministry of the Attorney General (MAG) Provincial Offences Act Write-Off Directive and Operating Guideline and the Niagara Region Court approved write-off criteria (Appendix 1). Each fine that meets the criteria for write-off is thoroughly investigated to make sure there are no options to collect the fines such as garnishing wages, writs or adding the fine to the municipal tax roll.

The electronic record of the delinquent case is removed from ICON, however all original source documents are retained by the court office in accordance with MAG's directive. If funds are received on a delinquent fine that has been previously written off, the case is written back on and the payment accepted.

Cases under the "Deceased Persons" category are identified through submissions of Proof of Death either to the Court or to the Ministry of Transportation. It should be noted that the table below provides the number of cases related to deceased persons, as opposed to the number of defendants who are deceased. In addition, the number of cases is not only reflective of fines due in 2023 but rather also reflects delinquent fines with due dates dating back to 1991. Since 2019 the number of cases in this category has been higher than historically in part due to a technology change at MTO whereby vehicle plate and drivers licence databases were consolidated (resulting in increased numbers of cases being identified for example when seeking plate denials as a collections enforcement tool). In addition, as part of the Region's enhanced collections strategy a large volume of older delinquent cases have been assigned to collection agencies for more proactive enforcement which has resulted in receipt of a larger number of notifications of deceased persons than previous years.

All fines noted in the table below have been investigated and none qualify for further collections activity, therefore Staff recommend them for write-off.



## 2023 COURT SERVICES WRITE-OFF SUMMARY

For the period January 1, 2023 to December 31, 2023

Write-off Category	No. of Cases	Dollar Value
Deceased Person (DP)	2131	\$1,180,774.08
Under Payment (UP)	62	\$332.00
POA Write-off – Unable to Enforce (PW)	6	\$332.35
Company in Default – Bankrupt or Insolvent (CD)	0	\$0.00
Signed Affidavit – Aged (SA)	1	\$80.00
<b>TOTAL</b>	<b>2200</b>	<b>\$1,181,518.43</b>

### Alternatives Reviewed

No alternatives were reviewed; writing off these fines is an administrative financial exercise in order to reduce the overall amount for outstanding defaulted receivables for Court Services and does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

### Relationship to Council Strategic Priorities

This report supports the Effective Region Council Strategic Priority through the delivery of fiscally responsible services, in accordance with the Intermunicipal Agreement.

### Other Pertinent Reports

- JBM 02-2008 POA Write-off Criteria for delinquent Provincial Offences deemed uncollectible dated September 25, 2008

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**Prepared by:**

Jackie Foley  
Supervisor POA Collections  
Corporate Services

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**Recommended by:**

Todd Harrison  
Commissioner  
Corporate Services

This report was reviewed by Miranda Vink, Manager, Court Services and Donna Gibbs, Director, Legal & Court Services, Corporate Services

**Appendices**

Appendix 1      Write-Off Guidelines

ICON Code	Write-off Category	Write-off Criteria	Comments
UP	Under Payment	Case balance of \$25.00 or less	Small balances/Administrative Fees
DP	Deceased Person	Satisfactory proof of death – not applicable when case is secured by a Writ of Seizure and Sale	Satisfactory proof includes: 1. Funeral Director’s Death Certificate, or 2. Government issued Death Certificate, or 3. Notification of death from MTO/enforcement agency, or 4. Copy of newspaper obituary.
SA	Signed Affidavit	Requires statutory declaration by the Offender as to payment and payment details	Requires investigation and approval from the Supervisor, POA Collections
CD	Company in Default (Bankrupt, Dissolved, Inactive)	Requires satisfactory proof of dissolution, inactive status or bankrupt corporation	Satisfactory proof includes: 1. Articles of Dissolution, or 2. Notice of Bankruptcy, or 3. Ministry notification that the corporation is inactive/cancelled.
PW	POA Write-off Unable to Enforce	Requires satisfactory proof that the case is unenforceable, that the charging document cannot be located for enforcement or supervisor approval obtained	Applies to cases <b>over 2 years past due</b> : 1. Where the charging document does not contain a date of birth or address, or 2. When the Offender is not a legal entity, or 3. Where the charging document cannot be located for enforcement, or 4. Where technical issues with ICON prevent the case from completing once payment has been satisfied
PW	POA Write-off Deemed Uncollectible	N/A	Applies to aged cases (over six yrs. Past due) once all reasonable collection efforts have been exhausted and the case is deemed uncollectible.
CW	Final Write-Off Code (Approval Obtained)	CW code indicates that appropriate approval from JBM, Treasurer (and where applicable), Corporate Services Committee and Regional Council has been obtained.	CW is the final write-off code. All CW cases will be purged from ICON twice yearly and must be reported to MAG annually.

NOTE: Cases may be written-off for accounting purposes only and do not absolve a convicted offender from the requirement to pay a fine as debts to the Crown are owed in perpetuity and never forgiven.